

Section 7.04 is open to amendment. Are there any amendments to section 7.04?

*(There was no response.)*

THE CHAIRMAN: The Chair hears none.

Section 7.05 is open to amendment. Are there any amendments to section 7.05?

*(There was no response.)*

THE CHAIRMAN: Section 7.07—just a second.

Delegate Needle, do you have an amendment?

DELEGATE NEEDLE: I have an amendment to section 7.05, Amendment A.

THE CHAIRMAN: We will reserve number 5 for Delegate Kirkland's amendment. We will number this as Amendment No. 6.

The Clerk will read the amendment.

The amendment is on one page, but there is a memorandum attached to it.

READING CLERK: Amendment No. 6 to Committee Recommendation LG-1, by Delegate Needle: On page 3 section 7.05, Powers of Counties, line 14 strike out the words "and power to tax"; and on page 3 line 25 after the period, add the following:

"The governing body of a county may also request the authority to exercise any taxing power by a resolution submitted to the General Assembly before the beginning of a regular session in accordance with the procedures established by law. The county may exercise this power if, by the end of the regular session, the General Assembly has not rejected the resolution."

THE CHAIRMAN: Is the amendment seconded? Does anyone second the amendment?

DELEGATE CLAGETT: Second.

THE CHAIRMAN: Delegate Clagett seconds the amendment.

Delegate Needle.

DELEGATE NEEDLE: Mr. Chairman, I would like to take this opportunity, first to commend the Chairman of the Local Government Committee and his staff and the entire Committee for a job which obviously has been very well done.

Delegate Moser has positively amazed me with the diligence with which he has ap-

proached this task. The Committee has worked long and hard hours. We had obviously a very difficult task before us. We met late into the evening on many occasions. Delegate Moser would go home at very unreasonable hours and return the next morning with considerable work done while other members of the Committee slept.

With that background, I indicate that I hesitate to offer this amendment. However, I am firmly convinced that I must raise a very crucial issue before this Convention, and that is, the power of the local subdivisions to tax.

I am firmly committed to the concept of shared powers as expressed in section 7.05 of the Committee recommendation. I feel that this is, as a matter of fact, the key recommendation of the Local Government Committee, and will do more than any other recommendation to make the counties more viable and responsive so that they may deal with local matters at the local level.

However, there is an exception to the shared powers concept of the counties, not only for judicial matters, but for tax matters as well.

Delegates Case and Raley introduced Proposal No. 387, which makes an exception of the tax power from the shared powers concept. They appeared on several instances before the full Committee and on several occasions with the Subcommittee of the Local Government Committee, and convinced the Local Government Committee that the General Assembly should have plenary power over the tax power of the counties, and that if the local subdivisions should have any tax power, it should be delegated to them by the General Assembly. I will submit to the wisdom of that proposition.

However, my amendment strikes a compromise between their proposal and the Constitutional Convention Commission draft of this section, which does not make any exception of the tax power from the shared powers. This compromise proposal retains in the counties the all important initiative, which is most consistent with the shared powers concept of local taxation. It provides that the counties come to the General Assembly with a delegate documented resolution adopted by the County Council, and request the General Assembly to grant it the new local tax power requested.

This is a workable method by which the counties can approach the General Assembly.